

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE GRAIN WAREHOUSE AND  
GRAIN DEALER LICENSES OF UTICA GRAIN AND  
FEED, INC.**

) **ORDER TO SHOW CAUSE  
AND NOTICE OF HEARING**

)

**GD97-001**

)

The Public Utilities Commission (Commission) licensed the above grain dealer and warehouse operator, Utica Grain and Feed, Inc. (Utica), on July 1, 1996, to conduct business as a grain warehouse and a grain dealer pursuant to SDCL Chapters 49-43 and 49-45.

The Commission has performed an audit of Utica's records as provided by law and ascertained the quantity and classes of grain. Utica has voluntarily relinquished its grain dealer's license and conducts its grain warehouse business under review of the Commission with the further provision that it no longer accepts grain for storage nor will it issue warehouse receipts. The Commission on its own motion hereby issues the following ORDER TO SHOW CAUSE AND NOTICE OF HEARING.

YOU WILL PLEASE TAKE NOTICE that the principals of Utica shall appear and show cause why its grain warehouse and grain dealer's licenses should not be revoked, on April 16, 1997, at 6:00 o'clock p.m., at the National Guard Armory, 1000 West 31st Street, Yankton, South Dakota. The Commission shall hold this hearing pursuant to its authority under SDCL Chapters 1-26, 49-42, 49-43, and 49-45 and ARSD Chapters 20:10:11 and 20:10:12 and, specifically, ARSD 20:10:01:45.

At the hearing duly noted above, Utica shall have the burden to prove, and the issues shall be, whether it has sufficient funds to satisfy all current outstanding grain payables consistent with SDCL 49-45-10, meet its obligations as a grain warehouse as specified in SDCL chapter 49-43 and that it is otherwise financially and managerially fit to continue operations as a grain warehouse and a grain dealer within South Dakota. Based on the evidence submitted at the above hearing, the Commission shall determine whether Utica's grain warehouse and grain dealer's licenses should be suspended, revoked or reinstated.

The hearing shall be an adversary proceeding. At the hearing Utica may appear in person and be represented by counsel or a legal assistant, if Utica so desires. These and other due process rights will be forfeited if not exercised at the hearing. The decision of the Commission may be appealed to the Circuit Court and the State Supreme Court as provided by law. It is therefore

ORDERED, that Utica shall appear at the above time and place before the Commission to show cause why its grain warehouse and grain dealer's licenses should not be suspended or revoked or that they should be reinstated as the evidence may warrant.

Dated at Pierre, South Dakota, this 11th day of April, 1997.

**CERTIFICATE OF SERVICE**

**BY ORDER OF THE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

COMMISSION:

Commissioners Burg, Nelson and  
Schoenfelder

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
WILLIAM BULLARD, JR.  
Executive Director

(OFFICIAL SEAL)